STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of RICHARD WEDDINGTON, JR., Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

RICHARD WEDDINGTON, JR.,

Respondent-Appellant.

UNPUBLISHED
January 16, 2001

No. 224346
Kalamazoo Circuit Court
LC No. 97-000210-DL

Before: Wilder, J. and Hood and Cavanagh, JJ.

MEMORANDUM

Respondent was adjudicated as responsible for possessing with the intent to deliver less than 50 grams of cocaine. MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), following the discovery of cocaine during a traffic stop. He was ordered to serve a term of six to twelve months' placement with the Family Independence Agency,[1] and appeals as of right. We affirm.

Respondent first asserts that the trial court erred in failing to suppress the cocaine found by the officers who conducted the stop of his vehicle. He argues that the circumstances did not justify an investigative stop and, accordingly, that any evidence obtained incident to the stop should have been suppressed at the adjudication hearing. We disagree.

The criteria for a constitutionally valid traffic stop are that the police have "an articulable and reasonable suspicion that a vehicle or one of its occupants is subject to seizure for a violation of law." *People v Williams*, 236 Mich App 610, 612; 601 NW2d 138 (1999). The reasonableness of the officer's suspicion is to be determined case by case and in light of the officer's experience, with due consideration given to the totality of all the facts and

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[1] The record reflects that by order on January 13, 2000, this placement was rescinded. Respondent was, instead, continued under the supervision of the court, and placed at home with his father as part of the I Can Day Treatment Center program.

circumstances. *People v Jordan*, 187 Mich App 582, 586; 468 NW2d 294 (1991). Our review of the record convinces us that the circumstances, when viewed in light of the officers' training and experience, were sufficiently reasonable to warrant a stop of respondent's vehicle for a suspected violation of law.

Respondent next argues that the trial court erred reversibly in permitting the second officer involved in the stop to testify concerning respondent's statement that he had been "caught with cocaine" on two previous occasions. Again, we disagree.

Assuming without deciding that the evidence was erroneously admitted, its admission in the instant matter was harmless. "[M]atters which constitute error requiring reversal when a case is tried before a jury do not necessarily require reversal when they occur in a bench trial." *People v Rushlow*, 179 Mich App 172, 175; 445 NW2d 222 (1989). Given that respondent was tried before the bench, and considering the officers' testimony concerning respondent's immediate flight from the vehicle upon its stop, as well as that indicating that respondent was clearly seen discarding the cocaine only moments after "digging into his shorts," we cannot say that the claimed error, if any, resulted in a "miscarriage of justice" such as to require reversal of respondent's conviction. MCL 769.26; MSA 28.1096.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Harold Hood
/s/ Mark Cavanagh